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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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AUTO-OWNERS INSURANCE COMPANY  
as subrogee of ROBERT W. COTTAM and  
JOYCE M. COTTAM,

Plaintiff,

v.

SAMSUNG ELECTRONICS AMERICA,  
INC.; SAMSUNG SDI AMERICA, INC.;  
SAMSUNG ELECTRONICS CO. LTD.,  
SAMSUNG SDI CO. LTD., ONE WORLD  
TECHNOLOGIES, INC.; RYOBI AMERICA  
CORPORATION; RYOBI ELECTRIC  
TOOL MFG., INC.; RYOBI NORTH  
AMERICA, INC.; RYOBI  
TECHNOLOGIES, INC.; RYOBI LTD.;  
TECHNTRONIC INDUSTRIES NORTH  
AMERICA, INC.; TECHNTRONIC  
INDUSTRIES CO. LTD.; TTI CONSUMER  
POWER TOOLS, INC.; HOME DEPOT  
USA, INC.; THE HOME DEPOT, INC.,

Defendants

**SCHEDULING ORDER**

Case No. 4:23-cv-00058-DN-PK

District Judge *David Nuffer*

Magistrate Judge *Paul Kohler*

Pursuant to Fed. R. Civ. P. 16(b), the court received the Attorney Planning Meeting Report filed by counsel.<sup>1</sup> The following matters are scheduled. The times and deadlines set forth herein may not be modified without the approval of the court and on a showing of good cause pursuant to Fed. R. Civ. P. 6.

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<sup>1</sup> Docket No. 22, filed August 25, 2023.

**\*\*ALL TIMES 4:30 PM UNLESS INDICATED\*\***

<b>1.</b>	<b>PRELIMINARY MATTERS</b>	<b>DATE</b>
a.	Date the Rule 26(f)(1) conference was held? Yes.	<u>08/18/23</u>
b.	Have the parties submitted the Attorney Planning Meeting Report? Yes.	<u>08/25/23</u>
c.	Deadline for 26(a)(1) initial disclosures?	<u>03/08/24</u>
d.	Deadline for filing a deposition plan including the names of deponents (or role, if name is unknown) and the place and date of deposition?	<u>03/08/24</u>
<b>2.</b>	<b>DISCOVERY LIMITATIONS</b>	<b>NUMBER</b>
a.	Maximum number of depositions by Plaintiff(s):	<u>10</u>
b.	Maximum number of depositions by Defendant(s):	<u>10</u>
c.	Maximum number of hours for each deposition (unless extended by agreement of parties):	<u>7</u>
d.	Maximum interrogatories by any party to any party:	<u>25</u>
e.	Maximum requests for admissions by any party to any party:	<u>25</u>
f.	Maximum requests for production by any party to any party:	<u>30</u>
g.	The parties shall handle discovery of electronically stored information as follows: <i>Responsive and relevant information shall be retained by the parties and produced, subject to timely and properly asserted objections, in searchable electronic form, or in other suitable form as may be agreed to by the parties.</i>	
h.	The parties shall handle a claim of privilege or protection as trial preparation material asserted after production as follows: <i>Privilege/protection pursuant to FRE 502 is not waived if the disclosure is inadvertent and reasonable steps were taken to prevent disclosure and to rectify it including following FRCP 26(b)(5).</i>	
i.	Last day to serve written discovery:	<u>08/18/24</u>
j.	Close of fact discovery:	<u>09/18/24</u>
k.	(optional) Final date for supplementation of disclosures and discovery under Rule 26(e):	<u>09/18/24</u>

<b>3.</b>	<b>AMENDMENT OF PLEADINGS/ADDING PARTIES<sup>1</sup></b>	<b>DATE</b>
a.	Last day to file Motion to Amend Pleadings:	<u>03/15/24</u>
b.	Last day to file Motion to Add Parties:	<u>03/15/24</u>
<b>4.</b>	<b>RULE 26(a)(2) EXPERT DISCLOSURES &amp; REPORTS</b>	<b>DATE</b>
	<b>Disclosures (subject and identity of experts)</b>	
a.	Party(ies) bearing burden of proof:	<u>10/11/24</u>
b.	Counter disclosures:	<u>12/11/24</u>
	<b>Reports</b>	
a.	Party(ies) bearing burden of proof:	<u>11/11/24</u>
b.	Counter reports:	<u>01/10/24</u>
<b>5.</b>	<b>OTHER DEADLINES</b>	<b>DATE</b>
a.	Last day for expert discovery:	<u>02/10/25</u>
b.	Deadline for filing dispositive or potentially dispositive motions:	<u>03/10/25</u>
c.	Deadline for filing partial or complete motions to exclude expert testimony:	<u>03/10/25</u>
<b>6.</b>	<b>SETTLEMENT/ALTERNATIVE DISPUTE RESOLUTION</b>	<b>DATE</b>
a.	Likely to request referral to a magistrate judge for settlement conference:	<u>No</u>
b.	Likely to request referral to court-annexed arbitration:	<u>No</u>
c.	Likely to request referral to court-annexed mediation:	<u>No</u>
d.	The parties will complete private mediation/arbitration by:	<u>09/18/24</u>
e.	Evaluate case for settlement/ADR on:	<u>09/18/24</u>

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<sup>1</sup> Counsel must still comply with the requirements of Fed. R. Civ. P. 15(a).

f. Settlement probability: FAIR

**7. TRIAL AND PREPARATION FOR TRIAL**

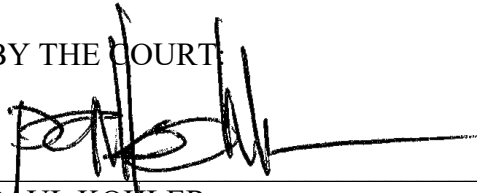
A scheduling conference will be held for purposes of setting a trial date on **April 8, 2025, at 2:00 p.m.** in Room 197 (St. George).

**8. OTHER MATTERS**

Parties should fully brief all Motions in Limine well in advance of the pretrial conference.

Signed August 28, 2023.

BY THE COURT

A handwritten signature in black ink, appearing to read 'Paul Kohler', is written over a horizontal line.

PAUL KOHLER  
United States Magistrate Judge